

# **EXHIBIT 4**

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
2

3 IN AND FOR THE COUNTY OF CLARK

4 STATE OF WASHINGTON, )

5 Plaintiff, ) NO. 85-1-00007-2

6 vs. )

7 CLYDE RAY SPENCER, ) MOTION AND AFFIDAVIT FOR  
8 Defendant. ) ORDER AUTHORIZING ISSUANCE  
OF WARRANT OF ARREST

9 COMES NOW the plaintiff, State of Washington, by and  
10 through the Prosecuting Attorney for Clark County, represented  
11 by his Deputy, James M. Peters, and the  
12 plaintiff having heretofore filed an Information in the above-  
13 entitled cause charging the defendant, CLYDE RAY SPENCER  
14 , with the crime(s) of

15 Count III: Statutory Rape I, RCW 9A.44.070  
16 Count IV: Statutory Rape I, RCW 9A.44.070  
17 Count V: Statutory Rape I, RCW 9A.44.070

18  
19  
20 and does respectfully move the Court for an Order authorizing  
21 the issuance of a warrant for the arrest and detention of the  
22 defendant, CLYDE RAY SPENCER ,  
23 until the said defendant can be brought before the Court to  
24 answer said Information, or until further Order of the Court,  
25 or until release of the defendant on such conditions as may  
26 be set by the Court.

27 This Motion is based upon the annexed and attached  
28 Affidavit and upon Criminal Rule 2.2 (a).

29 DATED this 26 day of February  
30 1985

31

32

*George J. Miller, Clark Co.*  
COPY  
ORIGINALLY FILED  
Deputy Prosecuting Attorney  
FEB 26 1985

MOTION AND AFFIDAVIT - 1

CLARK COUNTY PROSECUTING ATTORNEY  
1200 FRANKLIN  
P.O. BOX 5000  
VANCOUVER, WASHINGTON 98668  
(206) 696-2261

1 STATE OF WASHINGTON )  
2 COUNTY OF CLARK ) :ss

3 JAMES M. PETERS, being first duly sworn, upon oath,  
4 deposes and states:

5 That I am a Deputy Prosecuting Attorney for Clark  
6 County, Washington, and in the course of that capacity have  
7 personal knowledge that Clyde Ray Spencer is presently  
8 pending trial before Department 3 of the Superior Court of  
9 Clark County, Washington for the crimes of Statutory Rape  
10 in the First Degree and Indecent Liberties involving his  
11 daughter, Kathryn E. Spencer, age five, said trial is set  
12 to begin April 15th, 1985.

13 In my official capacity, on February 28th, 1985,  
14 I was contacted by Detective Sharon N. Krause of the  
15 Clark County Sheriff's Office, who is known to your affiant  
16 to be a reliable and credible individual and who reported  
17 the following information:

18 That this morning, February 28th, 1985, she was  
19 contacted by Shirley Spencer, who is the wife of the  
20 defendant, Clyde Ray Spencer, and her five year old son,  
21 Mathew Allen Charles Hanson, whose date of birth is November  
22 28, 1975. During the course of that contact Krause had  
23 occasion to interview Mathew Allen Charles Hanson based on  
24 concerns expressed by Shirley Spencer that her son, age five,  
25 may have been sexually molested by Clyde Ray Spencer within  
26 the preceding twelve months. During the course of her  
27 interview with Mathew Allen Charles Hanson, age five, Krause  
28 determined the following information:

29 Mathew appeared to be a bright and verbal child  
30 who was easy to understand and informed Krause that he  
31 had observed his father engaged in sexual acts with both  
32 his step-sister, Kathryn Spencer, who is the victim of

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FFD 23 1985  
CLARK COUNTY PROSECUTING ATTORNEY  
1200 FRANKLIN,<sup>1</sup>  
George J. Hulka, Esq., BOSTON,<sup>2</sup>  
VANCOUVER, WASHINGTON 98601  
(206) 669-2281

1 Counts I and II of the present Information, and his  
2 step-brother, Mathew Spencer, age nine, who is the  
3 natural son of Clyde Ray Spencer;

4                   Mathew also related to Deputy Krause that he  
5 himself had been victimized by Ray Spencer on numerous  
6 occasions describing in detail acts of having to perform  
7 fellatio on his father, his father performing fellatio  
8 on him, his father penetrating his rectum digitally, he  
9 having to perform digital penetration upon his father  
10 and his father performing anal penetration upon the  
11 child's rectum;

12                   Specifically, Mathew indicated that during  
13 the sum of 1984 when his step-siblings, Katy and big  
14 Matt were present at his residence on the Lewis River  
15 in Clark County, Washington, his stepfather took him  
16 into the master bedroom of the house while his mother,  
17 Shirley, was at work. Further, that Clyde Ray Spencer,  
18 and he were both naked during this contact and that  
19 Clyde Ray Spencer engaged him in anal penetration of  
20 Mathew's rectum and required Mathew to perform fellatio  
21 upon Clyde Ray Spencer;

22                   Further Mathew described to Deputy Krause that  
23 sometime after his step-sister, Katy, left to return to  
24 her home in California, which Krause advises was on  
25 August 27th, 1984, a number of additional acts occurred.  
26 Specifically, on one occasion he and the defendant, Ray  
27 Spencer were in the bathtub and Ray Spencer forced  
28 Mathew's head under the bath water and caused him to  
29 put his mouth on Ray's erect penis. Mathew further  
30 indicated to Krause that there were bubbles in the bath-  
31 tub when this occurred.

32                   In interviewing Spencer's wife, Shirley, Shirley  
MOTION AND AFFIDAVIT - 3

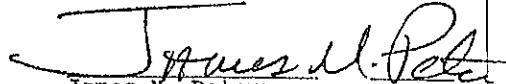
1 indicated that on one occasion after Katy left she attempted  
2 to put bubble bath in Mathew's bathwater and Mathew expressed  
3 extreme fear of having bubbles in his bathwater.

4 Further, that Shirley Spencer indicated to Deputy  
5 Krause that on or about February 16, 1985, Ray Spencer was  
6 residing at the Salmon Creek Motel located in Clark County,  
7 Washington. She indicated that she had an appointment in  
8 the evening of that date and had agreed with Ray Spencer  
9 to leave Mathew in his care at the Salmon Creek Motel.  
10 She indicated she dropped Mathew off in Room 17 of that  
11 motel and described the room as an upstairs room located  
12 at the back of the complex with a television set mounted  
13 high upon the wall. In her interview with Mathew, Krause  
14 learned that during that interaction with Ray Spencer,  
15 Mathew was again sexually assaulted. Mathew indicated  
16 that Ray Spencer inserted his penis into Mathew's rectum  
17 and also forced Mathew to put his mouth on Ray Spencer's  
18 penis.

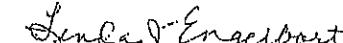
19 Further, your affiant requested that Sgt. Mike  
20 Davidson of the Clark County Sheriff's Office verify the  
21 description of the motel room on February 28, 1985 at 1:20  
22 p.m. your affiant was advised that Davidson had personally  
23 viewed the room and determined the existence of the television  
24 mounted high on the wall. Further, he verified that Spencer  
25 was registered at the Salmon Creek Motel between February 6th  
26 and February 20, 1985.

27 Wherefore, based upon the foregoing information,  
28 your affiant believes there is good and sufficient information  
29 to believe that Clyde Ray Spencer is guilty of an additional  
30 three counts of Statutory Rape in the First Degree and your  
31 affiant prays that he be apprehended and brought before the  
32 Court for further proceedings.  
MOTION AND AFFIDAVIT - 4

1 Further your affiant saith not.  
2  
3  
4

  
5 James M. Peters  
6 Deputy Prosecuting Attorney

7 SUBSCRIBED AND SWORN TO BEFORE ME THIS 28 day of February,  
8 1985.

  
9 Linda J. Engelhart  
10 Notary Public in and for the  
11 State of Washington residing  
12 at Vancouver, therein.  
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32 MOTION AND AFFIDAVIT - 5